

**CHAPTER NO. 41**

**SENATE BILL NO. 523**

**By Trail**

**Substituted for: House Bill No. 824**

**By Head, Curtiss**

AN ACT to amend Tennessee Code Annotated, Section 65-5-201, to establish that special rates and terms are valid when reached through negotiation between a public utility and a business customer.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:


SECTION 1. Tennessee Code Annotated, Section 65-5-201, is amended by adding the following language at the end of that section:

Notwithstanding any other provision of state law, special rates and terms negotiated between public utilities that are telecommunications providers and business customers shall not constitute price discrimination. Such rates and terms shall be presumed valid. The presumption of validity of such special rates and terms shall not be set aside except by complaint or by action of the TRA directors, which TRA action or complaint is supported by substantial evidence showing that such rates and terms violate applicable legal requirements other than the prohibition against price discrimination. Such special rates and terms shall be filed with the authority.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

**PASSED: April 10, 2003**

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

**APPROVED this 23<sup>rd</sup> day of April 2003**

  
PHIL BREDESEN, GOVERNOR